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Attorneys for Counter-Defendant
FEDERAL INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FEDERAL INSURANCE COMPANY, a
corporation,

Plaintiff,

vs.

TOM NEWBY,

Defendant.

CASE NO. C 12-05084 ~~MEJ~~ MMC

**STIPULATION FOR STAY OF
COUNTERCLAIM AND REQUEST FOR
ORDER THEREON ; ORDER**

Complaint Filed: October 1, 2012
Counterclaim Filed: November 1, 2012

AND RELATED COUNTERCLAIM

1. Plaintiff and Counter-Defendant Federal Insurance Company ("FEDERAL") and Defendant and Counterclaimant Tom Newby ("NEWBY"), by and through their attorneys of record, stipulate as follows:

2. WHEREAS, NEWBY made an insurance claim to FEDERAL for damage arising out of a water leak and, in relevant part, NEWBY and FEDERAL are engaged in an appraisal of the loss pursuant to the insurance policy;

3. WHEREAS, FEDERAL filed the above-captioned action for declaratory relief against NEWBY on October 1, 2012, seeking a determination of the scope of what is to be appraised in the appraisal proceeding and of the form of the appraisal award;

4. WHEREAS, NEWBY filed a Counterclaim setting forth claims for relief for breach

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of contract and for breach of the implied covenant of good faith and fair dealing on November 1, 2012; and

4. WHEREAS, the appraisal process is ongoing and the parties believe and agree that in the interests of judicial economy and efficiency the litigation of the Counterclaim should be stayed until the appraisal proceeding has been completed;

IT IS SO STIPULATED.

DATED: December 26, 2012

**FORAN GLENNON PALANDECH
PONZI & RUDLOFF PC**

By: /s/ Marjie D. Barrows
Marjie D. Barrows

Attorneys for Plaintiff and Counter-Defendant
FEDERAL INSURANCE COMPANY

DATED: December 26, 2012

PILLSBURY & LEVINSON, LLP

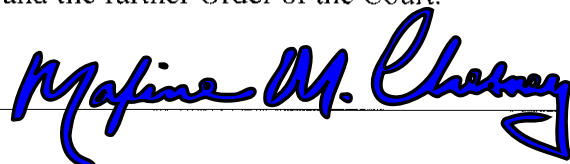
By: /s/ Eric K. Larson
Eric K. Larson

Attorneys for Defendant and Counterclaimant TOM
NEWBY

ORDER STAYING COUNTERCLAIM

Based on the above-stated stipulation, and good cause otherwise appearing, IT IS ORDERED that the litigation of the counterclaim in this action is stayed until the appraisal proceeding in this action has been completed and the further Order of the Court.

DATED: January 16, 2013 ~~2012~~



UNITED STATES DISTRICT JUDGE